

Implementation and Operation of the Uniform Statewide Sexual Assault Evidence Kit

(FY2022 Appropriation Act - Public Act 87 of 2021)

March 30, 2022

Sec. 457. (1) *From the funds appropriated in part 1 for the uniform statewide sexual assault evidence kit tracking system, in accordance with the final report of the Michigan sexual assault evidence kit tracking and reporting commission, \$800,000.00 is allocated from the sexual assault evidence tracking fund to contract for the administration of a uniform statewide sexual assault evidence kit tracking system. The system shall include the following:*

(a) A uniform statewide system to track the submission and status of sexual assault evidence kits.

(b) A uniform statewide system to audit untested kits that were collected on or before March 1, 2015 and were released by victims to law enforcement.

(c) Secure electronic access for victims.

(d) The ability to accommodate concurrent data entry with kit collection through various mechanisms, including web entry through computer or smartphone, and through scanning devices.

(2) By March 30 of the current fiscal year, the department shall submit to the senate and house appropriations subcommittees on the department budget, the senate and house fiscal agencies, the senate and house policy offices, and the state budget office a status report on the administration of the uniform statewide sexual assault evidence kit tracking system, including operational status and any known issues regarding implementation.

(3) The sexual assault evidence tracking fund established in section 1451 of 2017 PA 158 shall continue to be maintained in the department of treasury. Money in the sexual assault evidence tracking fund at the close of a fiscal year remains in the sexual assault evidence tracking fund, does not revert to the general fund, and shall be appropriated as provided by law for the development and implementation of a uniform statewide sexual assault evidence kit tracking system as described in subsection (1).

(4) By September 30 of the current fiscal year, the department shall submit to the senate and house appropriations subcommittees on the department budget, the senate and house fiscal agencies, the senate and house policy offices, and the state budget office a report on the findings of the annual audit of the proper submission of sexual assault evidence kits as required by and in compliance with the sexual assault kit evidence submission act, 2014 PA 227, MCL 752.931 to 752.935. The report must include, but is not limited to, a detailed county-by-county compilation of the number of sexual assault evidence kits that were properly submitted and the number that met or did not meet deadlines established in the sexual assault kit evidence submission act, 2014 PA 227, MCL 752.931 to 752.935, the number of sexual assault evidence kits retrieved by law enforcement after analysis, and the physical location of all released sexual assault evidence kits collected by health care providers in that year, as of the date of the annual draft report for each reporting agency.



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In early 2018, the Department of Health and Human Services (DHHS) entered into an Interagency Agreement with the Department of the Michigan State Police (MSP), through which MSP contracted with the system provider, STACS DNA, Inc. for the acquisition, customization, and use of the Track-Kit™ system in Michigan. Track-Kit™ was first piloted in one community in August 2018, and then rolled out in phases through six regions across Michigan. The rollout was completed in August 2019, with all relevant organizations in the state able to register and use the tracking system.

Track-Kit™ is a secure online web-based system, accessible from computers and mobile devices, that tracks the location and status of sexual assault kits collected during a sexual assault medical forensic examination. Track-Kit™ is provided to survivors and relevant organizational users at no cost. Healthcare providers, law enforcement, and labs have separate portals within Track-Kit™ where they can enter and/or view kit information.

Prosecutors have a portal where they can view each kit's status and generate reports about kits retrieved and/or delivered by law enforcement in their jurisdiction. Prosecutors do not enter any information about kits.

The system also contains a survivor portal. Survivors can log in anonymously and track the location and/or progress of their sexual assault evidence kit through the healthcare and criminal justice system. Survivors have the option of registering to receive email or text notifications about their kit. The survivor portal provides resources and contact information. As of February 2022, 1,353 survivors with kits in the system had logged into the system at least once since the system became available.¹

Track-Kit™ also has a compliance portal which will allow the Michigan Domestic and Sexual Violence Prevention and Treatment Board within DHHS to (1) monitor healthcare, law enforcement, and lab compliance with the requirements of the Sexual Assault Kit Evidence Submission Act, and (2) generate an annual report that reflects each organization's compliance with that Act. The compliance reporting feature is not yet fully functional. The system provider is now prioritizing a comprehensive build to the system that will produce reliable annual compliance reports. Even though the Compliance portal is not fully functional, the tracking system has allowed the Compliance Project Coordinator to identify kits that are out-of-compliance and to work with healthcare, law enforcement and labs to address them.

Track-Kit™ completed its first systemwide version upgrade in January 2022. The improved version provides new features, such as the ability to scan kit barcodes into the

¹ Track-Kit™ allows the policy center (housed at MSP) to determine the number of unique survivor logins to the system. The tracking system does not identify which survivors have logged in, thus protecting their anonymity.

system using a smartphone, as recommended by the Sexual assault Evidence Kit Tracking and Reporting Commission.

Michigan does not currently mandate the use of Track-Kit™, although the July 2016 Report of the Sexual Assault Evidence Kit Tracking and Reporting Commission recommended legislation that would mandate use of the system. Currently, 100% of Michigan's accredited laboratories (two), 54% of relevant healthcare providers², 67% of law enforcement agencies, and 71% of prosecutors, are registered on and able to use Track-Kit™. Per MSP, the 2/3 participation rate by law enforcement may not be cause for alarm, since some law enforcement agencies are small and do not conduct their own sexual assault investigations. Instead, some of those small agencies may have working agreements with other law enforcement agencies, such as MSP, to investigate sexual assault crimes that occur in their jurisdictions.

² Relevant healthcare providers are those that were identified as entities that had historically ordered kits for use, or submitted for testing collected and released kits, as part of launching Track-Kit.